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CALIFORNIA OLIVE ASSOCIATION

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OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Received

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SACRAMENTO

June 2, 2005

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P. O. Box 4010
1001 I Street, 19th Floor
Sacramento, California 95812-4010

Subject: Acrylamide in Cooked Food

Dear Ms. Oshita:

The California Olive Association (COA) recommends that chemical formation, particularly acrylamides, occurring as the unintended byproduct of cooking should not constitute an exposure under Proposition 65 and therefore should not be regulated under this statute.

We feel this exemption would be in the best interest of the people of California for the following reasons:

1. While the presence of acrylamide in cooked foods has just recently been detected, cooking itself has a long history in food preservation and safety. Without proper cooking, consumers could be exposed to harmful food-borne pathogens. Attempts to cook foods less could have a deleterious impact on the health and safety of Californians.
2. To date there has been no data to indicate that acrylamide in cooked foods poses a cancer threat to humans.
3. It has been estimated that as much as 40% of the processed food sold in grocery stores may contain acrylamide. Mass warnings on acrylamide could potentially overwhelm California consumers and undermine the effect of warnings of real hazards.
4. Research suggests that acrylamide is formed during the cooking of carbohydrates. Other chemicals are formed during the cooking of proteins such as meat. Regulations on acrylamide in cooked foods will potentially set a precedent for regulations on chemicals formed during the cooking of meat and other proteins, and such warnings could have serious adverse public health consequences for Californians.
5. The FDA has commented on the acrylamide issue and stated that no change in diet is warranted at this time and that consumers should continue to eat a balanced diet.

6. Most black ripe olives purchased in the US are grown and packed in California. The unforeseen effect of broad-scale acrylamide warnings to the consumer could unnecessarily impact thousands of olive growers and workers in California.

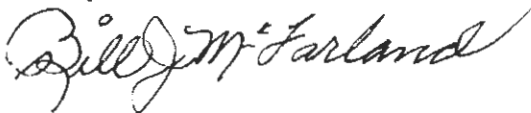
In addition, to the above comments, a number of points are important to consider in this upcoming decision:

1. Proposition 65 already recognizes that naturally occurring chemicals in food should not be regulated under this statute. We feel that unintentional chemicals formed during cooking should also be exempt from this statute.
2. Per capita olive consumption at ½ pound per year would lead to extremely small doses of acrylamides in an average consumer's diet.
3. While acrylamide formation has been linked to cooking, the exact mechanism leading to the presence of acrylamides in olives is not known at this time, and olive producers are not aware of any safe means for significantly reducing acrylamide levels. Note that every cooking process in the olive industry in California is dictated by the State of California and has proven to be required for the destruction of food-borne pathogens.
4. The California olive industry will follow all current and future FDA requirements regarding good manufacturing practices, and if new cost-effective means become available to reduce acrylamide then industry will carefully consider those options.

In summary, the COA believes that a cooking exemption for naturally occurring chemicals in processed food products is in the best interest of California consumers and public health policy, and is consistent with the goals of Proposition 65.

We urge your favorable consideration of these comments, and we welcome any questions you may have.

Sincerely,



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